



ATMI-441

#8/ELE
8/19/3
miller

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re Application of:)

Buskirk)

Serial No.: 10/034,596)

10 Filed: December 28, 2001)

Group: 2811)

15 Examiner: D.W. Owens)

For: INTEGRATED PASSIVE DEVICES FORMED BY DEMASCENE
PROCESSINGI hereby certify that this paper or fee is being deposited with the
United States Postal Service as first class mail on the date
indicated below and is addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: August 4, 2003

Signature: Gina Maurice

20

RESPONSE TO RESTRICTION REQUIREMENT

25

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

30

This is in response to the outstanding Office Action dated July 3, 2003 in the above-identified application. Claims 1-21 are currently pending in the application.

The Examiner found that the claims of the instant application describe two distinct inventions. The Examiner therefore required that the application be restricted to one of the following

35 inventions under 35 U.S.C. §121:

- I. Claims 11-21, drawn to a semiconductor device; and
- II. Claims 1-10 drawn to a method of making a semiconductor device.

40

Applicant respectfully asserts that the restriction requirement is improper and should be withdrawn, since each group of claims relates generally to passive transmission line devices and includes elements in common, such as an insulating layer, a conductive line and an enhancement layer,

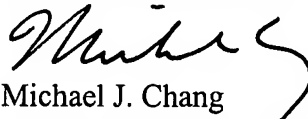
RECEIVED
AUG - 8 2003
TECHNOLOGY CENTER 2800

the examination of which would require a search of most, if not all, of the individual classes and subclasses. As such, Applicant submits that an examination of both groups of claims would not impose a serious burden on the Examiner. Where, as here, "the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP §803.

Accordingly, it is respectfully requested that the restriction requirement be reconsidered and withdrawn and that all of the pending claims in the application be examined together in this application, or, alternatively, Applicant hereby elects claims 1-10, with traverse, for prosecution in this application.

Dated: August 4, 2003

Respectfully submitted,



Michael J. Chang
Attorney for Applicant(s)
Reg. No. 46,611
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560